

Introduced by Senator Ducheny

February 20, 2004

An act to add Section 3695.6 to the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1596, as introduced, Ducheny. Taxation: delinquent taxes: public auction.

Existing property tax law generally authorizes a county tax collector to sell tax-defaulted property 5 years or more, or 3 years or more, as applicable, after that property has become tax defaulted. Existing law also authorizes a public agency, as provided, or a nonprofit organization to file a written objection to a proposed sale of tax-defaulted property. The written objection shall include certain written statements regarding the potential public use of the property, in the case of a public agency, or certain written statements regarding the rehabilitation and use of the property for low-income persons, in the case of a nonprofit organization.

This bill would permit a city, county, city and county, or nonprofit organization to request the tax collector to bring a developed or undeveloped parcel of real property to the next scheduled public auction if the taxes on the real property have been delinquent for at least 3 years and the real property could provide housing or services directly related to low-income persons. This bill also enumerates information that must be included in the request, and requires the tax collector to include the real property in the next scheduled public auction upon receiving the request.

By imposing new requirements upon tax collectors, this bill would impose a state-mandated local program.



The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3695.6 is added to the Revenue and
2 Taxation Code, to read:
3 3695.6. (a) Notwithstanding any other provision of law, any
4 county, city, city and county, or any nonprofit organization as
5 defined in Section 3772.5, may request the tax collector to bring
6 to the next scheduled public auction any developed or
7 undeveloped real property that meets the following requirements:
8 (1) The property taxes have been delinquent for at least three
9 years.
10 (2) The real property could serve the public benefit of
11 providing housing or services directly related to low-income
12 persons.
13 (b) Every request submitted to the tax collector shall include
14 the following:
15 (1) A formal resolution of the governing board of the county,
16 city, city and county, or nonprofit organization, requesting the
17 accelerated auction of the real property and stating the public
18 benefit.
19 (2) A written plan for the development, rehabilitation, or
20 proposed use of the real property and how low-income persons
21 will be served.
22 (3) If the request is from a nonprofit organization, the request
23 shall have a formal resolution of approval from the city council of
24 the city in which the real property is located, or from the board of
25 supervisors of the county if the real property is located in an
26 unincorporated area.
27 (c) Upon receiving a request as provided by this section, the tax
28 collector shall include the real property in the next scheduled
29 public auction.



1 (d) This section may not be construed to preclude the
2 application, to the real property or the current owners of that
3 property, of any other provision of law not in conflict with this
4 section.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 this act provides for offsetting savings to local agencies or school
8 districts that result in no net costs to the local agencies or school
9 districts, within the meaning of Section 17556 of the Government
10 Code.

